

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of:

Thomas W. DUBENSKY, Jr. et al.

Application No.: 10/773,792

Confirmation No.: 8458

Filed: December 23, 2004

Art Unit: 1645

For: LISTERIA ATTENUATED FOR ENTRY INTO  
NON-PHAGOCYtic CELLS, VACCINES  
COMPRISING THE LISTERIA, AND  
METHODS OF USE THEREOF

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Examiner: J. Graser

**RESPONSE TO OFFICE ACTION**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the non-final Office Action mailed October 10, 2008 (Paper No. 20081008, hereinafter "the Office Action"), please consider the following amendments and remarks. **Amendments to the Claims** begins on page 2 of this paper; **Remarks** begin on page 4 of this paper.

***Petition for Extension of Time:***

Applicant hereby petitions for an extension of time to extend the period for reply to February 10, 2008. The requisite fee accompanies this petition and response.

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CERTIFICATE OF ELECTRONIC TRANSMISSION UNDER 37 C.F.R. § 1.8			
I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted via electronic transmission via EFS-Web on the date indicated below.			
Name of Person Mailing (Print/Type)	Kristen Lemme		
Signature	/Kristen Lemme/	Date	05 February 2009